

REMARKS

In the outstanding Office Action, the Examiner: (i) maintains the rejection of claims 1-16, 20-30 and 37 under 35 U.S.C. §102(e) as being unpatentable over U.S. Patent No. 6,199,099 to Gershman et al. (hereinafter “Gershman”); (ii) maintains the rejection of claims 17 and 18 under 35 U.S.C. §103(a) as being unpatentable over Gershman in view of U.S. Patent No. 6,182,124 to Lau et al. (hereinafter “Lau”); and (iii) maintains the rejection of claim 19 under 35 U.S.C. §103(a) as being unpatentable over Gershman in view of Lau and further in view of U.S. Patent Application No. 2001/0014868 to Herz (hereinafter “Herz”).

In this response, Applicants: (i) amend claims 1, 5, 6, 8 and 13; (ii) cancel claims 2-4; and (iii) traverse the various rejections of claims 1-30 and 37, for at least the following reasons.

With regard to the issue of whether claims 1-16, 20-30 and 37 are anticipated under 35 U.S.C. §102(e) by Gershman, the Office Action contends that Gershman discloses all of the claim limitations recited in the subject claims. Applicants respectfully assert that Gershman fails to teach or suggest all of the limitations in claims 1-16, 20-30 and 37, for at least the reasons presented below.

It is well-established law that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Applicants assert that the rejection based on Gershman does not meet this basic legal requirement, as will be explained below.

The present invention, for example, as recited in amended independent claim 1, recites a method for use in a distributed data network wherein a user may request and receive content from one or more entities in the distributed data network, the method comprising the steps of providing one or more mechanisms for enabling at least one of the user and one or more of the entities to control which entities in the distributed data network have access to information generated in association with the user’s activity on the distributed data network, wherein the user specifies at least one role and, based on the created role, at least one profile for the user is maintained by one or more of the entities in the form of information inserted into the profile by one or more of the entities, the information representing the user’s activity on the distributed data network with respect to the one or more entities that inserted the information, such that profile maintenance is substantially transparent to the user; and customizing content to be received by the user in accordance with at least a portion of the information in the user profile. The step of providing the one or more control mechanisms for the user comprises the step of enabling the user to specify two or more roles within

which the user may perform activities on the distributed data network, wherein the two or more roles have two or more profiles respectively associated therewith, and wherein the two or more profiles are substantially unlinkable. The language added by this amendment is underlined above. The added language is from canceled claims 2-4.

The Office Action, at page 17-18, asserts that Gershman discloses that two or more user profiles are substantially unlinkable. Specifically, the Office Action suggests that the “Work Travel Profile” disclosed in Gershman includes rules that may specify that the user prefers traveling via airplane in business or first class seating, to the exclusion of other seating arrangements and possibly other airlines. The Office Action then summarizes that this the same as the claimed feature. Applicants do not agree.

The feature of claim 1 states that two or more profiles are substantially unlinkable. That is, one profile is substantially unlinkable to another profile. For example, as further recited in claim 5, substantial unlinkability of the profiles substantially prevents an entity from learning about the user’s activity at another entity, when the user conducts activities at the different entities in the different roles. The Office Action is discussing restrictions associated with a single profile, i.e., the user’s Work Travel Profile. Thus, nothing in Gershman teaches or suggests that two profiles are substantially unlinkable.

For at least these reasons, claim 1 is patentable over Gershman.

Claim 8, now rewritten as an independent claim, that the “step of providing the one or more control mechanisms for the one or more entities comprises the step of enabling the one or more entities to specify which other entities are able to access information that the one or more entities learned in association with the user conducting activities with the one or more entities.”

The Office Action suggests that each profile field in Gershman contains a set of permissions that dictate who has what access rights to that particular profile field’s information. However, in Gershman, this is specified solely by the user, not the one or more entities that are maintaining the profile, as the claimed invention recites. Thus, in the example cited by the Examiner, to meet the claim limitation, the hotel would have to be allowed to specify which other entities could have access to information. This is not what Gershman discloses. Gershman explicitly says that the hotel can upload transaction information to the user profile and that this information may be utilized by “partners of the hotel,” but only as long as this is permitted by the user.

A similar argument applies to independent claims 21 and 37, since they recite that the one or more entities are enabled to specify which other entities are able to access the stored information so as to customize content to be received by the user in accordance with at least a portion of the accessible information.

For at least these reasons, claims 8, 21 and 37 are patentable over Gershman.

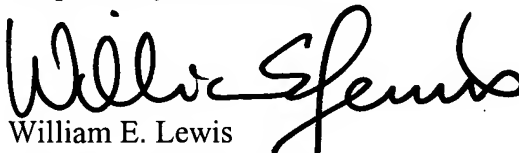
Regarding claim 13, the Office Action states (at page 16) that the claim does not recite that a server performs the step of issuing credentials. While Applicants disagree (since the preamble specifies what performs the cited steps - "A method for use in accordance with at least one server . . ."), Applicants have amended the claim to remove any doubt that the server is issuing the access credentials. For at least the reasons given in Applicants previous response dated August 29, 2005, incorporated herein, Applicants assert that claim 13 is patentable over Gershman. Claim 29 recites similar limitations and is thus also patentable over Gershman.

Applicants also respectfully assert that dependent claims 2-12, 14-16, 20, 22-28 and 30 are patentable over Gershman not only based on their respective dependence on independent claims 1, 13, 21 and 29, but also because such dependent claims recite patentable subject matter in their own right.

Applicants also maintain that the §103(a) rejections fail to establish a prima facie cases of obviousness under 35 U.S.C. §103(a), as specified in M.P.E.P. §2143 for at least the reasons given in their previous response.

In view of the above, Applicants believe that claims 1-30 and 37 are in condition for allowance, and respectfully request favorable reconsideration.

Respectfully submitted,



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